

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA §
§
v. § **CRIMINAL NOS. 3:04-CR-114-S**
§ **3:19-CR-202-S**
§
ALPHONZO DRAWHORN §

**FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

On this day, pursuant to the referral of District Judge Karen Gren Scholer, a hearing was held to determine Defendant Alphonzo Drawhorn's present competence to stand trial. Defendant appeared in person and through counsel, Rachel Taft, and announced ready to proceed. The Government appeared by and through Assistant United States Attorney Melanie Smith, and likewise announced ready to proceed.

Although given the opportunity to do so, neither the Government nor Defendant Drawhorn offered any evidence or argument. Moreover, neither the Government nor Defendant objected to the report of the psychological evaluation of Defendant Drawhorn submitted by the Bureau of Prisons, which is dated Sept 27, 2019, and was filed on October 4, 2019 ("Report"), Doc. 15.

FINDINGS

Having reviewed and accepted the Report, the Court fails to find by a preponderance of the evidence that Defendant Drawhorn is suffering from a mental disease or defect that would render him mentally incompetent to understand the nature and consequences of the proceedings against him or to assist properly in his defense. *See 18 U.S.C. § 4241(d).* Indeed, the Court affirmatively finds that Defendant Drawhorn is able to understand the nature and extent of the

proceedings against him and is able to assist properly in his defense. Thus, the Court finds Defendant Drawhorn is competent to proceed to the adjudication of the allegations that he has violated his conditions of supervised release.

RECOMMENDATION

For the reasons stated herein, it is recommended that the Court adopt the findings of the Report, Doc. 15, and find that Defendant Drawhorn understands the nature and consequences of the proceedings, is able to assist properly in his defense, and is competent to proceed in this case.

SIGNED October 11, 2019.



RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE